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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hani Sabbah, et al.

Serial No: 10/700,032

Group Art Unit: 3424

Filed: 11/03/03

Examiner: Afremova, Vera

For: CARDIAC TRANSPLANTATION OF STEM CELLS FOR THE  
TREATMENT OF HEART FAILURE

Attorney Docket No: 1059.00096

RESPONSE

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated March 7, 2006, Paper Mail Date 03032006.

Claims 1, 2, 6, and 7 are currently pending in the application. Claims 1 and 6 are in independent form.

Claims 1, 2, 6, and 7 stand rejected under 35 U.S.C. §102(b) as being anticipated by the Pittenger et al., patent. Reconsideration of the rejection under 35 U.S.C. §102(b), as anticipated by the Pittenger et al., patent, as applied to the claims is respectfully requested. Anticipation has always been held to require absolute identity in structure between the claimed structure and a structure disclosed in a single reference.